



Patent
Attorney's Docket No. 033388-371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Eric MAYHEW *et al.*) Group Art Unit: 1615
for U.S. Patent No. 5,965,159) Examiner: Unassigned
Reissue Application No.: 09/976,936)
Filed: October 11, 2001)
For: ETHERLIPID-CONTAINING)
MULTIPLE LIPID LIPOSOMES)

PETITION
PURSUANT TO 37 C.F.R. § 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition, pursuant to 37 C.F.R. §1.47(a), to accept the Declaration for the above identified reissue patent application (U.S. Patent Application No. 09/976,936) since one of the inventors has refused to execute the Declaration.

Thus, this petition is accompanied by a Declaration providing proof of the pertinent facts concerning the refusal of the inventor to sign, as required by 37 C.F.R. §1.47.

The name and address of the inventor refusing to sign the Declaration are as follows:

Andrew S. Janoff
560 Countess Drive
Yardley, PA 19067

07/03/2002 MDAHTE1 00000056 09976936

03 FC:122

130.00 OP

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The invention which gave rise to this reissue patent application was developed in conjunction with The Liposome Company, by the following inventors: The named inventors are Eric Mayhew, Andrew Janoff, Imran Ahmad and Suresh Bhatia. Andrew Janoff is no longer employed by The Liposome Company.

In view of the refusal of Andrew Janoff to execute the Declaration required for the present patent application, it is believed that the remaining co-inventors (Eric Mayhew, Imran Ahmad and Suresh Bhatia) are entitled to make such an application on behalf of and as an agent for Andrew Janoff.

This petition is accompanied by a Declaration pursuant to 37 C.F.R. § 1.47 providing proof that diligent efforts were made to make the refusing inventor sign the Declaration and Power of Attorney, and sets forth the pertinent facts. This Declaration pursuant to 37 C.F.R. § 1.47 is executed by Teresa Stanek Rea, a party with first person knowledge of attempts to have the refusing inventor sign.

Thus, in light of the above remarks, Applicants submit that diligent efforts under 37 C.F.R. § 1.47 have been made to contact the non-signing inventor. Complete copies of the application as filed were sent to Andrew Janoff on two separate occasions. In addition, Teresa Stanek Rea spoke with Andrew Janoff via phone on several occasions and, in particular, on April 5, 2002 at which time Andrew Janoff agreed to execute the documents. Applicants submit that Andrew Janoff understood what was required of him with regard to executing the documents. Andrew Janoff has now had over five months since the application and forms were delivered to him to execute the Declaration and Power of Attorney form and has not done so.

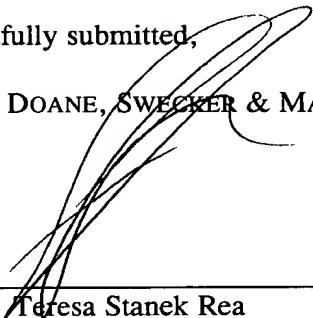
Applicants respectfully submit that this action is necessary to preserve the rights of the parties involved, as this application will go abandoned on June 29, 2002 if Applicants are unable to file an executed Declaration in response to the Notice to File Missing Parts dated November 29, 2001.

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____


Teresa Stanek Rea
Registration No. 30,427

Post Office Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: July 1, 2002

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0101
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12/28/2001

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Andrew S. Janoff, Ph.D.
Street, Apt. No.; or PO Box No.
560 Countess Drive
City, State, ZIP+ 4 Yardley, PA 19067
PS Form 3800, February 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
Andrew S. Janoff, Ph.D.
560 Countess Drive
Yardley, PA 19067

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) A. Janoff B. Date of Delivery 1/3/02
C. Signature [Signature] ☐ Agent
X ☐ Addressee
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If YES, enter delivery address below: ☐ No

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4. Restricted Delivery? (Extra Fee) ☐ Yes

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Exhibit A

edEx USA Airbill
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Form 1000 Please print and press hard.

Date 05/01/02 Sender's FedEx Account Number 0200-1745-7

Sender's Name Teresa Stanek Rea Phone 703 836-6620

Company BURNS DOANE SWECKER & MATHIS LLP

Address 1737 KING ST STE 500

City ALEXANDRIA State VA ZIP 22314

Our Internal Billing Reference 033388-371

Recipient's Name Andrew S. Janoff, Ph.D. Phone ()

Company

Address 560 Countess Drive

Address

City Yardley State PA ZIP 19067

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☒ FedEx Priority Overnight Next business morning
☐ FedEx Standard Overnight Next business afternoon
☐ FedEx First Overnight Earliest next business morning delivery to select locations
☐ FedEx 2Day Second business day
☐ FedEx Express Saver Third business day

4b Express Freight Service

☐ FedEx 1Day Freight* Next business day
☐ FedEx 2Day Freight Second business day
☐ FedEx 3Day Freight Third business day

* Call for Confirmation

5 Packaging

☒ FedEx Envelope*
☐ FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak
☐ Other

6 Special Handling

☐ SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
☐ HOLD Weekday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations
☐ HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

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Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging. ☐ Cargo Aircraft Only

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FedEx Acct. No. Exp. Date

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*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

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By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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Exhibit B